Objective


Target audience

Commonwealth staff involved in the permission system; applicants for permission; the general public.

CONSULTATION NOTES:

1. This information sheet forms part of a broader package which has been released for public comment and should be read in conjunction with:
   a. The draft revised Environmental impact management policy: permission system (Permission system policy) explains how the management of the permission system ensures consistency, transparency and achievement of the objects of the Act.
   b. The draft Risk assessment procedure explains how GBRMPA determines risk level and the need for avoidance, mitigation or offset measures.
   c. The draft Guidelines: Applications for permission (Application guidelines) explain when permission is required and how to apply.
   d. The draft Checklist of application information proposes information required to be submitted before an application is accepted by GBRMPA.
   e. The draft Guidelines: Permission assessment and decision (Assessment guidelines) explain how applications are assessed and decisions made.
   f. The draft Information sheet on joint Marine Parks permissions with Queensland (Joint Marine Parks permissions information sheet) explains how GBRMPA and the Queensland Government work together to administer a joint permission system.
   g. The draft Guidelines: Value impact assessment in the permission system (Value assessment guidelines) provide further detail on specific values of the Marine Park, including how to determine risk and possible avoidance, mitigation or offset measures.
   h. The draft Guidelines: Location-specific assessment in the permission system (Location-specific assessment guidelines) highlight places in the Marine Park that have site-specific management plans, policies or other information which may be relevant to decisions.
   i. The draft Guidelines: Activity impact assessment in the permission system (Activity assessment guidelines) provide further detail on how GBRMPA assesses and manages specific activities.
   j. The Managing facilities discussion paper and draft Guidelines: Activity impact assessment in the permission system – Fixed facilities propose changes to how GBRMPA manages facilities in the Marine Park.

2. Amendments are underway to the Great Barrier Reef Marine Park Regulations 1983, as outlined in the Response Document prepared after consultation in December 2015. This information sheet has been written to reflect the proposed amendments.

3. You can provide feedback on this document via our online survey, which can also be accessed from our webpage at www.gbrmpa.gov.au/zoning-permits-and-plans/permits/improving-permissions

Purpose

1. Commonwealth assessment and decision processes within the Great Barrier Reef Marine Park (the Marine Park) are streamlined and coordinated.
Related legislation / standards / policy

2. Refer to Appendix A of this document for a full list of related legislation, standards and policy.

3. The Environment Protection and Biodiversity Conservation Act 1999 (the EPBC Act) is the national environmental legislation.

4. The key pieces of legislation governing the Marine Park are:

Context

5. Throughout this information sheet:
   a. GBRMPA means the Great Barrier Reef Marine Park Authority, the Australian Government statutory body established by the GBRMP Act to manage the Great Barrier Reef Marine Park;
   b. Minister means the Australian Minister with portfolio responsibility for the EPBC Act, currently the Minister for the Environment and Energy. Under the EPBC Act, the Minister is empowered to approve actions which could have a significant impact on matters of national environmental significance, or the other matters protected by the Act.
   c. Department means the Australian Government department responsible for administering the EPBC Act, which is currently the Department of the Environment and Energy. Some of the Minister’s decision-making powers under EPBC Act are delegated to officials within the Department. The Department also provides advice to assist the Minister to carry out the Minister’s functions under the Act.

6. The EPBC Act establishes a national assessment and approval process, which focuses on the protection of matters of national environmental significance. The Department administers the EPBC Act on behalf of the Minister. For more information about the EPBC Act, visit the Department’s website.

7. The GBRMP Act, the GBRMP Regulations and the Zoning Plan provide a process for assessing the impacts of activities occurring within the Marine Park, administered by GBRMPA.

8. In some circumstances, a proposal may require assessment under both the EPBC Act and GBRMPA’s legislation. A 2009 Memorandum of Understanding (MOU) between GBRMPA and the Department sets out how the two agencies will work together to assess activities which require assessment under both the EPBC Act and the GBRMP Act. The goal of the MOU is to provide effective integration and streamlining of regulatory requirements.

9. Terminology differs between the two acts. While not identical, the following terms are broadly comparable:
   a. EPBC Act’s ‘action’ is similar to GBRMPA’s ‘use or entry.’
   b. EPBC Act’s ‘referral’ is similar to GBRMPA’s ‘application.’
   c. EPBC Act’s ‘approval’ is similar to GBRMPA’s ‘permission.’

10. This guideline only relates to activities which are located in the Marine Park and require GBRMPA’s permission under the Zoning Plan.

11. The MOU also describes how GBRMPA will give advice to the Department on EPBC Act assessments for activities which are not located in the Marine Park and therefore do not require GBRMPA’s permission.
Referral/Deemed application stage

How are proposed actions ‘referred’ under the EPBC Act?

12. Part 7 of the EPBC Act establishes a process for referring certain actions to the Minister so that the Minister can decide:
   a. whether his or her approval is needed to take the action
   b. how to assess the impacts of the action to be able to make an informed decision.

13. Under the EPBC Act:
   c. The person proposing to take the action is called the ‘proponent.’
   d. A proposed action is called a ‘controlled action’ if the taking of that action would be prohibited without EPBC approval.

14. Under the EPBC Act, a proponent must refer a proposed action to the Minister if they believe the action may be or is a controlled action. They may also do so if they think the action is not a controlled action.

15. If GBRMPA is aware of a proposed action that it believes may significantly impact on the Marine Park, GBRMPA may refer the action to the Minister (under section 71 of the EPBC Act). In practice this means that if a person applies to GBRMPA for permission, and an initial review of the application suggests it may be a controlled action:
   a. In the first instance, GBRMPA discusses the proposal with the applicant and encourages the applicant to refer the proposal to the Minister under the EPBC Act.
   b. If the applicant fails to refer under the EPBC Act, GBRMPA will refer the proposal to the Minister.

What does EPBC referral mean for GBRMPA?

16. If a proposal to take an action is referred under the EPBC Act, and it also requires GBRMPA’s permission under the Zoning Plan, the GBRMP Act deems the EPBC referral to also be an application for all required GBRMPA permissions. This is called a ‘deemed application’. It does not matter who referred the proposed action to the Minister.

17. If an action, or a component of an action, is proposed to be taken in the Marine Park, then the Minister must give a copy of the referral to GBRMPA as soon as practicable.

How do the Department and GBRMPA deal with ‘deemed applications’ for which they both have responsibilities?

18. In most cases, the Department manages engagement with proponents whose actions are deemed to be applications under the GBRMP Act. The Department also engages with GBRMPA throughout the referral and application process, as agreed in the MOU. The Department coordinates input from various Commonwealth agencies, including GBRMPA, and communicates information between proponents and these agencies. This provides a more consistent and streamlined process for proponents.

19. GBRMPA provides input to the Department at key steps during the referral/application processes, including advice on:
   a. whether the proposed action should be declared a controlled action
   b. which assessment approach should be used to assess the likely impacts of the proposed action
   c. guidelines or terms of reference for Public Environment Reports and Environmental Impact Statements.

20. Once a referred action has become a deemed application for GBRMPA purposes, it remains a deemed application regardless of any further decisions made by the Minister under the EPBC Act. This includes referred actions that the Minister subsequently decides are not controlled actions for EPBC purposes.
Exceptions

21. Deemed application provisions were added to GBRMPA’s legislation in 2009. If an action has a valid EPBC approval which was granted before 2009, it may still require a separate assessment and decision by GBRMPA. In such cases, normal GBRMPA application and assessment processes will be used (refer to the Environmental impact management policy: Permission system for more information). Such cases are not deemed applications.

22. Referral under the EPBC Act may not be required if the action pre-dates the introduction of the EPBC Act in 1999. However, Marine Park permission may still be needed. Normal GBRMPA application and assessment processes will be used. Such cases are not deemed applications.

23. If an action pre-dates the introduction of the EPBC Act, referral under the EPBC Act may still be required if a significant change is proposed. This could result in a deemed application for GBRMPA.

EXAMPLES

1. An island resort holds a valid EPBC approval to build a marina, which was granted in 2005. The resort does not yet have Marine Park permission for the marina. The resort owners would need to apply to GBRMPA for Marine Park permission and undergo normal GBRMPA assessment processes.

2. A sewage treatment facility does not require EPBC approval to discharge sewage into the Marine Park, because the facility was operational before the EPBC Act came into effect. There is no proposal to change operations or discharge parameters. If the outfall is located in the Marine Park, the facility still needs Marine Park permission for the pipeline and discharge. The facility owners would need to apply to GBRMPA for Marine Park permission and undergo normal GBRMPA assessment processes.

3. A sewage treatment facility does not require EPBC approval to discharge sewage into the Marine Park, because the facility was operational before the EPBC Act came into effect. However, the facility is now proposing to substantially increase the amount of sewage to be discharged. This is likely to require referral under the EPBC Act and therefore result in a deemed application for GBRMPA.

Overview of EBPC / GBRMPA interactions

24. Table 1 provides an overview of the different decisions that can be made under the EPBC Act and the implications for GBRMPA assessment and decision. The table is a quick reference guide only, with further details explained in text sections following the table.

**Table 1. Quick reference guide to EPBC / GBRMPA interactions**

<table>
<thead>
<tr>
<th>Decision on EPBC referral</th>
<th>GBRMPA Assessment</th>
<th>GBRMPA Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>Referral is not accepted</td>
<td>• Before the Minister makes the</td>
<td>• GBRMPA cannot make a decision on the deemed application, because the Minister has not:</td>
</tr>
<tr>
<td>because the action is a</td>
<td>decision, the Department seeks GBRMPA’s advice on whether the referral should be accepted.</td>
<td>− Determined that it is not a controlled action; or</td>
</tr>
<tr>
<td>component of a larger</td>
<td></td>
<td>− Determined that it is a controlled action and approved it.</td>
</tr>
<tr>
<td>project and the entire</td>
<td></td>
<td><strong>CONSULTATION NOTE:</strong></td>
</tr>
<tr>
<td>project must be referred</td>
<td></td>
<td>The GBRMP Regulations are being amended so that, in future, such deemed applications would be deemed withdrawn for GBRMPA.</td>
</tr>
<tr>
<td>Decision on EPBC referral</td>
<td>GBRMPA Assessment</td>
<td>GBRMPA Decision</td>
</tr>
<tr>
<td>---------------------------</td>
<td>-------------------</td>
<td>-----------------</td>
</tr>
<tr>
<td>Not a controlled action</td>
<td>The referral is a deemed application for GBRMPA purposes. After the Minister decides that the action is not a controlled action, GBRMPA conducts an assessment as per usual processes.</td>
<td>Once the controlled action decision has been made, GBRMPA makes its own decision on the application as per usual processes.</td>
</tr>
</tbody>
</table>
| Not a controlled action - if undertaken in a particular manner | Before the Minister makes the decision, the Department seeks GBRMPA’s advice on whether the action is a controlled action if undertaken in a particular manner.  
- GBRMPA advises the Department, including on the particular manner in which the action should be taken.  
- After the Minister’s decision, GBRMPA conducts an assessment as per usual processes, as it is not a controlled action under the EPBC Act. | GBRMPA makes its own decision on the application, as per usual processes.  
- GBRMPA avoids placing conditions on the permission (if granted) which conflict with any directions given under the EPBC Act about the particular manner in which the activity must be conducted in order to not be a controlled action. Ideally, GBRMPA’s conditions should harmonise with these ‘particular manner’ requirements.  
- Any issues or concerns are discussed with the Department before finalising the GBRMPA decision. |
| Clearly unacceptable      | The Department seeks GBRMPA’s advice on whether the action should be considered clearly unacceptable. | The deemed application is taken to have been withdrawn under Regulation 88C (3) of the GBRMP Regulations. GBRMPA does not consider the application further. |
| Controlled action - To be assessed by a process laid down under a bilateral agreement | Under the assessment bilateral agreement between Queensland and the Commonwealth, the Queensland Coordinator-General leads the assessment and presents a recommendation report to the Minister.  
- See the section on *Queensland Assessment Bilateral Agreement* for more information on how the GBRMPA assessment may be conducted. | Because it is a controlled action, GBRMPA cannot make a decision until after an approval decision has been made under the EPBC Act. |
| Controlled action - To be assessed by a process specified in a declaration by the Minister | GBRMPA’s involvement will be determined on a case-by-case basis. | Because it is a controlled action, GBRMPA cannot make a decision until after an approval decision has been made under the EPBC Act. |
| Controlled action - To be assessed under an accredited process | Before the controlled action decision is made, the Department seeks GBRMPA’s advice on whether an accredited process should be used.  
- Because the Minister may specify any process at the time of referral, GBRMPA’s involvement in the assessment would be determined on a case-by-case basis. | Because it is a controlled action, GBRMPA cannot make a decision until after an approval decision has been made under the EPBC Act. |
<table>
<thead>
<tr>
<th>Decision on EPBC referral</th>
<th>GBRMPA Assessment</th>
<th>GBRMPA Decision</th>
</tr>
</thead>
</table>
| Controlled action - To be assessed on referral information | • Before the Minister decides whether to approve the action, the Department seeks GBRMPA’s advice on the proposed decision and conditions.  
• GBRMPA may write its own assessment report, drawing from and building upon the Department-led assessment.  
• GBRMPA may require public comment on the proposal, although this would be rare. | • Because it is a controlled action, GBRMPA cannot make a decision until after an approval decision has been made under the EPBC Act.  
• If public comment is required by GBRMPA, GBRMPA may extend the decision-making timeframe beyond the standard 10 business days to accommodate this extra process. |
| Controlled action - To be assessed on preliminary documentation  
(NOTE: This is the most common process used under EPBC Act) | • The Department seeks GBRMPA’s advice on what additional information should be required from the applicant. Once this information is received, the Department seeks GBRMPA’s advice on whether the information is adequate and then prepares an assessment report.  
• GBRMPA may write its own assessment report for the purposes of GBRMPA’s decision on the deemed application, drawing from and building upon the Department-led assessment.  
• GBRMPA may require public comment on the proposal. | • Because it is a controlled action, GBRMPA cannot make a decision until after an approval decision has been made under the EPBC Act.  
• If public comment is required by GBRMPA, GBRMPA may extend the decision-making timeframe beyond the standard 10 business days to accommodate this extra process. |
| Controlled action - To be assessed by Public Environment Report (PER) | • After the Minister has decided the action is a controlled action, the public comment and assessment processes for the EPBC and GBRMP assessments are conducted jointly, with the Department leading and consulting with GBRMPA throughout.  
• GBRMPA may write its own assessment report, drawing from and building upon the Department-led assessment. | • Because it is a controlled action, GBRMPA cannot make a decision until after an approval decision has been made under the EPBC Act. |
| Controlled action - To be assessed by Environmental Impact Statement (EIS) | • After the Minister has decided the action is a controlled action, the public comment and assessment processes for the EPBC and GBRMP assessments are conducted jointly, with the Department leading and consulting with GBRMPA throughout.  
• GBRMPA may write its own assessment report, drawing from and building upon the Department-led assessment. | • Because it is a controlled action, GBRMPA cannot make a decision until after an approval decision has been made under the EPBC Act. |
### Decision on EPBC referral

<table>
<thead>
<tr>
<th>Controlled action - To be assessed by public inquiry</th>
<th>GBRMPA Assessment</th>
<th>GBRMPA Decision</th>
</tr>
</thead>
</table>
| • After the Minister has decided the action is a controlled action, the Department seeks GBRMPA’s advice on the terms of reference for the inquiry.  
• GBRMPA may write its own assessment report, drawing from and building upon the inquiry-led assessment. | | • Because it is a controlled action, GBRMPA cannot make a decision until after an approval decision has been made under the EPBC Act. |

### Public comment during the assessment stage

25. Under the EPBC Act, if the Minister decides that a proposed action is a controlled action, the Minister must also decide on an approach for assessing the likely impacts of the action. Most EPBC assessment approaches include a public comment process, in which public comments are provided directly to the proponent to address in supplementary documentation.

26. This differs from the process required by the GBRMP Act, in which all public comments are submitted directly to GBRMPA. GBRMPA then follows its normal processes for public comments which are explained in the Application guidelines.

27. Sometimes, a public notice inviting comments can be made for the purposes of both the EPBC Act and GBRMPA’s legislation. Where this happens, the notice (for example, a newspaper advertisement) must be made in a way that complies with the requirements of both Acts. To do this, the notice must state that it is made under both the EPBC Act and the GBRMP Act, and instruct that all submissions be sent to both the proponent and to GBRMPA.

28. GBRMPA provides input to the Department during these steps of the public comment stage:
   a. Reviewing documents submitted by the proponent (such as a PER or EIS) and advising the Department whether GBRMPA considers that the proponent has satisfactorily addressed the guidelines or terms of reference and therefore the document is ready for public release.
   b. Reviewing supplementary documents submitted by the proponent (such as a supplementary EIS) and advising the Department whether the applicant has satisfactorily addressed issues raised by the public.

29. As highlighted in Table 1, in some cases GBRMPA’s legislation may require public comment on a proposal that does not require a public comment process as part of assessment under the EPBC Act.

### Assessment stage

30. In most cases, the Department leads the administration and assessment of deemed applications, engaging GBRMPA throughout as agreed in the Memorandum of Understanding. Sometimes, GBRMPA leads the assessment following agreement with the Department at the time the action is determined to be a controlled action. This is particularly likely to be the case if the Marine Park is the only reason for the proposal being declared a controlled action.

31. GBRMPA provides input to the Department at key steps during the assessment stage, including input on:
   a. whether GBRMPA considers that the applicant has satisfactorily addressed matters related to the Marine Park in their draft and final documents
   b. advice to include in assessment reports as they are being drafted
   c. proposed conditions to ensure complementarity.
Queensland Assessment Bilateral Agreement

32. In December 2014, the Minister gave notice that the Commonwealth and the Queensland Government had entered into the Agreement between the Commonwealth of Australia and the State of Queensland relating to Environmental Assessment (Assessment Bilateral Agreement) under section 45(4) of the EPBC Act. The Assessment Bilateral Agreement allows the Minister to rely on specified environmental impact assessment processes of the State of Queensland in assessing actions under the EPBC Act.

33. The Assessment Bilateral Agreement declares classes of proposed action to be actions for which a 'Commonwealth-led' assessment is not required, because the proposed action is adequately assessed under Queensland law. These classes of action are listed in Schedule 1 to the Assessment Bilateral Agreement.

34. The Minister may, however, determine that a particular action is not within one of those declared classes of action. This means that the Minister may determine that the action should be assessed under the EPBC Act, even though the Assessment Bilateral Agreement would normally make that unnecessary. In these cases, the Department seeks GBRMPA’s advice on whether the assessment bilateral should apply.

35. GBRMPA has no formal policy or agreement with Queensland explaining how assessments will be conducted under the Assessment Bilateral agreement. However, the Great Barrier Reef Inter-governmental Agreement sets out general principles that guide GBRMPA and Queensland in their joint management of the Marine Park.

36. GBRMPA may decide to conduct a joint assessment process (including public comment) with the Queensland Coordinator-General. A joint assessment process is generally favoured as it provides a smoother process for applicants. In a joint assessment process, the Queensland Coordinator-General usually leads the administration and engagement with the applicant, consulting with GBRMPA throughout to be sure that GBRMPA’s regulatory requirements are also met. Joint and coordinated comments are provided to the applicant at key stages. Any issues or differences in opinion between Queensland and GBRMPA are discussed early in the process, leading to a more comprehensive assessment and better harmonisation of conditions (if a permission is granted).

37. Regardless of whether the process is conducted jointly (coordinated by Queensland) or separately by GBRMPA and Queensland, GBRMPA will usually write its own assessment report, drawing from and building on the Queensland recommendation report.

38. After the Queensland Coordinator-General submits a recommendation report to the Minister, the Minister makes a decision under the EBPC Act. In doing so, the Minister may seek further input from GBRMPA.

39. Refer to the section ‘Decision stage’ for how GBRMPA makes its decision after the Minister has made a decision under the EPBC Act.

Decision stage

40. GBRMPA provides input to the Department before the Minister decides whether or not to approve the taking of an action, through commenting on draft recommendation reports and approval conditions before they are submitted to the Minister or the Minister’s delegate for decision.

41. Under GBRMP Regulation 88Z, GBRMPA cannot make a decision on a deemed application unless:
   a. the Minister has decided that the action is not a controlled action under section 75 of the EPBC Act
   b. if the Minister has decided that an action is a controlled action - the Minister has approved the action under section 133 of the EPBC Act.
42. If the Minister decides to refuse to approve the taking of a controlled action, then the Marine Park application is deemed withdrawn under GBRMP Regulation 88C (3).

43. If the Minister approves an action under the EPBC Act, GBRMPA must make a decision on the application within 10 business days, unless otherwise extended.
   a. The decision period can be extended by GBRMPA one time only, for any length of time, under GBRMP Regulation 88Z (4). This notice of extension must be given to the applicant before the 10 business days for decision expires.
   b. Where GBRMPA requires public comment, and public comment was not required under the EPBC Act (because the decision was made based on referral information or preliminary documentation), GBRMPA will usually need to extend the decision making period to allow for this step.

44. The GBRMPA assessment must consider any conditions placed on the EPBC Act approval.
   a. This information is used by GBRMPA when deciding whether to grant permission and if so, what conditions to place on the permission.
   b. Where GBRMPA places conditions on its permission, these should provide for protection of the Marine Park values without doubling up on EPBC approval conditions or requiring conditions that contradict or may result in the contravention of EPBC approval conditions.

45. For all deemed applications, the decision under the GBRMP Act is separate to the decision under the EPBC Act. It is legally possible for an application to be approved under the EPBC Act but refused under the GBRMP Act. However, this rarely happens because:
   a. The joint assessment process helps ensure that any GBRMP issues are addressed in the recommendation made to the Minister about whether to approve an action under the EPBC Act.
   b. For controlled actions, the Regulations require the GBRMPA decision-maker to consider the EPBC Act decision and reasons when making the GBRMPA decision (see the Guidelines: Permission assessment and decision for more information).

Lapsing or withdrawal

46. Under the EPBC Act, a proponent may withdraw their referral before the Minister has decided (under Part 9) whether or not to approve the taking of the action. If an EPBC referral is withdrawn or a controlled action process lapses, then GBRMPA considers the application is no longer valid for the purposes of the GBRMP Act and will take no further action. Fees already paid are not refundable, however any further fees that are not yet due will not be charged.

47. Under GBRMP Regulation 88C, a deemed application is deemed withdrawn for GBRMPA in these situations:
   a. if the Minister refuses to approve an action, then the GBRMPA application is deemed withdrawn at the time the Minister makes that decision. This can happen in two ways:
      i. The Minister decides it is ‘clearly unacceptable’ under section 74D(4)(a) of the EPBC Act.
      ii. The Minister decides to refuse to approve the taking of an action for the purposes of a relevant controlling provision or provisions under section 133 of the EPBC Act.
   b. If the applicant notifies the Minister in writing that they are withdrawing their proposal under section 170C of the EPBC Act, then the GBRMPA application is deemed withdrawn at the time the applicant gives notice to the Minister.
   c. If the Minister decides not to accept the referral because the action is a component of a larger action that the person proposes to take (section 74A of the EPBC Act), then GBRMPA considers the application is no longer valid for the purposes of the GBRMP Act and takes no further action.

CONSULTATION NOTE:
The GBRMP Regulations are being amended so that, in the situation described in 47(c), such deemed applications would be deemed withdrawn for GBRMPA.

48. In some cases, an EPBC referral may originally include activities in the Marine Park (making it a deemed application for GBRMPA), but then be modified so that no activities are proposed in the Marine Park. In
such cases GBRMPA considers the application is no longer valid for the purposes of the GBRMP Act and takes no further action.

**CONSULTATION NOTE:**
The GBRMP Regulations are being amended so that, in future, such deemed applications would be deemed withdrawn for GBRMPA.

49. A Marine Park application may also be deemed lapsed or withdrawn under the *Great Barrier Reef Marine Park Regulations 1983*. This happens:
   a. Under Regulation 88DE (4) – if the applicant has not publicly advertised the proposal according to GBRMPA requirements.
   b. Under Regulation 88E (3) – if the applicant does not provide additional information requested by GBRMPA within the specified timeframe. Note this is unlikely to occur with a deemed application, as information requests are coordinated by a single agency (usually the Department).
   c. Under Regulation 132 – if the applicant does not pay the correct fee within the specified timeframe.

50. If an application lapses or is deemed withdrawn under GBRMPA’s legislation, the EPBC referral remains active but is disconnected from the Marine Park application. As a result, if the applicant wishes to conduct activities in the Marine Park, they will need to lodge a new, stand-alone Marine Park application. This will be assessed by GBRMPA according to its usual processes (not as a deemed application).

**Review rights**

51. If permission is granted under the GBRMP Act as part of a deemed application process (as per Regulation 88Z), the review rights are different than if the decision was made under Regulation 88X. Table 2 provides a summary of the review rights for deemed applications.

<table>
<thead>
<tr>
<th>Type of review or appeal</th>
<th>Applicability for deemed applications</th>
</tr>
</thead>
<tbody>
<tr>
<td>Internal review (reconsideration)</td>
<td>Not available</td>
</tr>
<tr>
<td>Review on a question of law by Federal Court/Federal Circuit Court under the <em>Administrative Decision (Judicial Review)</em> Act 1977 (AD(JR) Act)</td>
<td>Available to a person or organisation who is ‘aggrieved’ by the decision (AD(JR) Act section 5)</td>
</tr>
</tbody>
</table>
| Time limit for applying for a review under the *Administrative Decision (Judicial Review)* Act 1977 | AD(JR) Act section 11:
  • If a statement of reasons has been furnished to the applicant: 28 days from the day the statement has been furnished.
  • If a copy of the permit has been furnished to the applicant: 28 days from the day the permit has been so furnished.
  • All other cases: within a ‘reasonable time’.

Note: Publishing the statement of reasons and/or permit on the GBRMPA website does not constitute ‘furnishing’ it. The document must be provided directly to the person.

| Merits review under the *Administrative Appeals Tribunal Act 1975* (AAT Act) | Not available |

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NOT GOVERNMENT POLICY – Draft for consultation
### Post-permit decisions

52. For activities that require both GBRMPA permission and EPBC approval, the Memorandum of Understanding establishes that both agencies will consult with the other prior to finalising any of these post-permit decisions:
   a. transferring a permission/approval
   b. varying conditions of a permission/approval
   c. investigating potential non-compliance
   d. enforcing or prosecuting any potential non-compliance
   e. suspending, revoking or reinstating a permission/approval
   f. requiring an environmental compliance audit.

### Implementation

53. This draft information sheet has been prepared for the purpose of seeking public feedback.

54. After the consultation closes, GBRMPA will consider public submissions in finalising it.

55. The final information sheet is planned for public release in July 2017, to coincide with amendments to the Regulations taking effect.
Further information
Director - Environmental Assessment and Protection

Great Barrier Reef Marine Park Authority
2 - 68 Flinders Street
PO Box 1379
Townsville Qld 4810
Australia

Phone + 61 7 4750 0700
Fax + 61 7 4772 6093
Email: consultation@gbrmpa.gov.au

www.gbrmpa.gov.au
APPENDIX A: Related Legislation, Standards and Policy

2. Marine Park Act 2004 (QLD)
5. Great Barrier Reef Marine Park Zoning Plan 2003 (C’th)
6. Marine Parks (Great Barrier Reef Coast) Zoning Plan 2004 (QLD)
7. Great Barrier Reef Intergovernmental Agreement
8. Environment Protection and Biodiversity Conservation Act 1999
13. Hinchinbrook Plan of Management 2004
15. Shoalwater Bay (Dugong) Plan of Management 1997
17. Privacy Act 1988
18. Native Title Act 1993
20. Great Barrier Reef Region Strategic Assessment Report (the Strategic Assessment)
21. Great Barrier Reef Region Strategic Assessment Program Report (the Program Report)
22. Policy on Moorings in the Great Barrier Reef
23. Cruise Shipping Policy for the Great Barrier Reef Marine Park (under review)
24. Managing Tourism Permissions to Operate in the Great Barrier Reef Marine Park (including Allocation, Latency and Tenure)
27. Managing Scientific Research in the Great Barrier Reef Marine Park

28. Managing Activities that Include the Direct Take of a Protected Species from the Great Barrier Reef Marine Park


30. Dredging and Spoil Disposal Policy

31. Dredging coral reef habitats policy

32. Sewage Discharges from Marine Outfalls to the Great Barrier Reef Marine Park

33. Guidelines on Coral Transplantation

34. Guidelines for the Emergency Disposal of Foreign Fishing Vessels

35. Guidelines for the Management of Artificial Reefs in the Great Barrier Reef Marine Park

36. Guidelines for Managing Visitation to Seabird Breeding Islands

37. Management of Commercial Jet Ski Operations Around Magnetic Island

38. Indigenous Participation in Tourism and its Management
